



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/377,827	08/20/99	SUGIYAMA	A 1453.1001/JD

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MM92/0130

EXAMINER  
FLETCHER, M

ART UNIT  
2837

DATE MAILED: 01/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/377,827</b>	Applicant(s) <b>Sugiyama</b>
	Examiner <b>Marion Fletcher</b>	Group Art Unit <b>2837</b>

Responsive to communication(s) filed on Nov 16, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-7 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-7 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### *Oath/Declaration*

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The declaration was received after the application was filed and the box was not checked to make reference to the invention in which "the specification of which was filed on August 20, 1999 as United States Application Number 09/377,827 ..... Further the information making benefit under 35 USC 120 is incorrect and should be removed from the declaration.

A new corrected declaration must be submitted.

### *Drawings*

2. The corrected or substitute drawings were received on 11/16/2000. These drawings are approved. However, boxes or elements 5-7 must also be labeled. Unlabeled boxes are not acceptable.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. (5,038,659) in view of Tanimoto (4,450,743).

As recited in claims 1 and 6, Satoh et al. disclose a musical score apparatus including a data processor (3) using a computer and a staff notation comprising: tables corresponding with data input to the computer and scales of music staff notation as discussed in column 5, line 67 through column 6, line 2, and column 9, lines 8-25, and as can be seen in figures 17-19; a note decoder for decoding the input data to correspond to scales or notes of a scale as discussed in column 3, lines 46-61; column 6, lines 7-9 and lines 20-23; and column 8, lines 52-57; a note code storage device (7) for storing an output from the note decoder as discussed in column 5, lines 4-7; and an output means (4) for outputting music staff notation data from the note code storage device as discussed in column 5, lines 8-14.

Satoh et al. do not disclose table providing a listing of note codes that correspond to the input data.

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However, as recited in claims 1 and 6, Tanimoto discloses note code tables that correspond to the input data as seen in and discussed in columns 5 and 6, which correspond to figures 1-4, wherein input data and note codes also correspond to musical staff notation.

As recited in claims 2-5 and 7, Tanimoto discloses a data processor, wherein the note code table is list corresponding data input to musical scales or phrases of music staff notation as seen in figure 5 and discussed in column 3, lines 53-66 and a further seen in tables in columns 5 and 6, wherein plural tables are included.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tanimoto with the apparatus of Satoh et al., because Tanimoto provides a clear correlation of input data with stored table data including note codes to produce output data, wherein Satoh et al. provide correlation of input data with output data, only failing to show a clear correlation with note codes.

#### *Response to Arguments*

5. Applicant's arguments filed 11/16/2000 have been fully considered but they are not persuasive.

The applicant's arguments have been considered. The applicant argues that Satoh et al. fails to disclose note code tables. The applicant further argues that the code tables of Tanimoto do not correspond to data input into a computer with scales of music staff notation. However, from

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the examiner's view, Satoh et al. includes tables, wherein the reference does not particularly point out the use of codes. However, data is input and converted to music data which is output on a musical staff notation display. Satoh et al. inherently includes some type data codes for transformation. Tanimoto discloses a plurality of note code tables and phrase data to correspond to a musical notation staff. Tanimoto is merely relied on to show how input data is transformed into note data using code table. In any instance where input key data is processed and musical data is produced, a data processor transforms the input data by some type of note decoder in order to produce a note from a key input. Satoh et al. further outputs the input data on a musical staff notation display.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon Fletcher whose telephone number is (703) 308-0848.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 307-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MTF  
  
January 26, 2001

  
ROBERT E. NAPPI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800